



MEMO ENDORSED

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 Church St.
New York, NY 10007

JOYCE CAMPBELL PRIVETERRE
Special Federal Litigation Division
(212) 788-1277
Fax: (212) 788-9776

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/4/08

May 31, 2008

Via Facsimile (212) 805-6326
The Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, New York 10007-1312

Re: Elyse Parmentier et al. v. City of New York et al.
08 CV 4039 (CM)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of this action, purportedly commenced pursuant to 42 U.S.C. § 1983. Plaintiff alleges, *inter alia*, that on April 29, 2007, she was falsely arrested at a Duane Reade store by a New York City police officer. Plaintiff also asserts a claim for malicious prosecution. Defendant City of New York writes to respectfully request an enlargement of its time to answer or otherwise respond to the complaint from May 26, 2008 to July 26, 2008. Defendant also respectfully requests that the initial pre-trial conference scheduled for July 18, 2008 at 10:15 a.m. be adjourned to a date after issue is joined. Plaintiff's counsel, Earl Ward, consents to both requests. Defendant apologizes to the Court and to Mr. Ward for its late submission.

Defendant has several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, the City requires additional time to investigate plaintiffs' allegations. With respect to the false arrest and malicious prosecution charges, it is our understanding that records pertaining to the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50.

Additionally, plaintiff alleges that she sustained both physical and emotional injuries. Therefore, this office is in the process of forwarding to plaintiffs for execution a consent and authorization for the release of pertinent sealed records pursuant to N.Y.C.P.L. § 160.50, as well

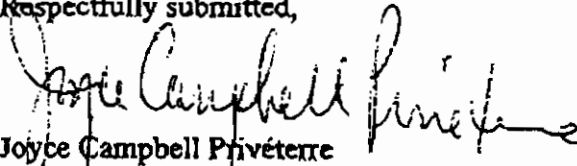
6/3/08
Conference adjourned
to September 5 at
9:30 am Will not be
adjourned again

as medical authorizations to obtain records pertaining to her purported injuries. The enlargement of time will enable the City to properly assess the case and respond to the complaint.

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that defendant's time to answer or otherwise respond to the complaint be enlarged to July 26, 2008. Defendant also respectfully requests that the initial pre-trial conference scheduled for July 18, 2008 at 10:15 a.m. be adjourned to a date after issue is joined.

Thank you for your consideration of this request.

Respectfully submitted,


Joyce Campbell Priveterre
Assistant Corporation Counsel

Via Facsimile

Earl S. Ward, Esq.
75 Rockefeller Plaza
20th Floor
New York, NY 10019
Tel: (212) 763-5070
Fax: (212) 763-5001